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W.P.No.14971 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 03.08.2022**

CORAM:

**THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE**

**W.P.No.14971 of 2020 &  
W.M.P.No.18618 of 2020**

Vinith Baid

... Petitioner

VS.

1.Union of India,  
Represented by its Secretary to  
Ministry of External Affairs,  
South Block, New Delhi – 110 011.

2.The Secretary to  
Ministry of Home Affairs,  
North Block, New Delhi – 110 001.

3.National Investigation Agency,  
Represented by its Director,  
CGO Complex, Lodhi Road,  
New Delhi – 110 003.

4.High Commissioner of India at Bangladesh  
Plot No.1-3, Park Road, Baridhara, Dhaka 1212,  
Through the Ministry of External Affairs,  
South Block,  
New Delhi – 110 011.

5.The Inspector of Police,  
Central Crime Branch, Chennai,  
Vepey, Chennai – 600007.

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6.Harshitha Baid

... Respondents

**PRAYER:** Writ petition filed under section 226 of Constitution of India for Writ of Mandamus forbearing the respondents 1 & 2 and its subordinate officials including the fourth respondent from registering the declaration of renunciation of Citizenship or granting no objection certificate/certificate of renunciation of citizenship to Harshitha Baid (Aadhar : 315641534525, passport No.S3910899).

For Petitioner : Mr.Niranjan Rajagopalan  
For Respondents 1 & 4 : Mr.S.P.Aarthi, CGSC  
For Respondent 2 : Mr.S.Thiruvengadam  
For Respondent 3 : Mr.R.Karthikeyan, Spl. P.P.  
For Respondent 5 : Mr.T.Seenivasan, Spl. G.P  
For Respondent 6 : Mr.T.Mohan,  
M/s.Akshaya Sagarika

### ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 1 & 2 and its subordinate officials including the fourth respondent from registering the declaration of renunciation of Citizenship or granting no objection certificate/certificate of renunciation of



citizenship to Harshitha Baid (Aadhar : 315641534525, passport No.S3910899.

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2. Heard Mr.Niranjan Rajagopalan, learned counsel for the petitioner, Ms.S.P.Aarthi, learned Central Government Standing Counsel appearing for the respondents 1 & 4, Mr.S.Thiruvengadam, learned counsel appearing for the second respondent, Mr.R.Karthikeyan, learned Special Public Prosecutor appearing for the third respondent, Mr.T.Seenivasan, learned Special Government Pleader appearing for the fifth respondent and Mr.T.Mohan, learned counsel representing Ms.Akshaya Sagarika, learned counsel appearing for the sixth respondent.

3. This petition has been filed by the father of Harshitha Baid who is presently living in Bangladesh along with her husband, on the following grounds:

(a) The daughter of the petitioner has clearly been a victim of radicalization, undue influence, coercion, abduction and captivity violating all her rights and human dignity and any consent or clearance by the respondents 1, 2 & 4 towards grant of citizenship of Bangladesh would



irretrievably damage chances of her retrieval.

(b) The abduction of the petitioner's daughter is the subject matter of investigation by the third respondent in RC-27/2020/NIA/DLI and any issuance of any certificate of renunciation of citizenship or No objection would render the investigation redundant.

(c) The petitioner's daughter's application seeking for citizenship of Bangladesh is not voluntary, but under threat, coercion and undue influence and therefore, it cannot be considered.

(d) The powers conferred under the Citizenship Act and Citizenship Rules have to be exercised after taking into consideration all the relevant materials and the fourth respondent cannot mechanically register the declaration without going into the question whether it has been voluntarily made or not.

(e) The consequences of issuance of any certificate or registration of any declaration involving the right to life and liberty of the petitioner's daughter enshrined under Article 21 of the Constitution and therefore, requires intervention of the Court. This also will constitute the rights of the petitioner and his wife as well being of their daughter is intrinsic to life and dignity of the parents.

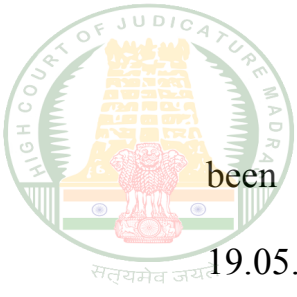


(f) Despite objections being sent for grant of a no objection certificate/certificate of renunciation of citizenship, the non-response of the Consular Officer and any proceedings without hearing the objections of the petitioner will be an arbitrary exercise of power, violative of principles of natural justice.

4. Subsequent to the filing of this writ petition, the following are the undisputed facts:

(a) An Habeas Corpus Petition HCP was filed by the very same petitioner seeking for deportation of his daughter Harshitha Baid from Bangladesh to India. By order dated 22.02.2021 passed in HCP.No.49 of 2021, the said petition came to be closed after recording the statement made by Harshitha Baid through Video Conferencing that only on her own volition, she had got converted to Islam and only voluntarily, she has applied for Bangladesh citizenship.

(b) The National Investigation Agency on 19.05.2022 filed a closure report with regard to the complaint lodged by the petitioner for the alleged offence under sections 120B, 294(b), 363, 364A, 368, 370, 384 & 506(i) of IPC against the accused in Crime No.218 of 2020. The said report has also



been filed before the Special Court of NIA Cases in Poonamallee on 19.05.2022. It is also not disputed that based on the closure report, the Special Court had reserved the matter for orders on 12.08.2022.

5. The petitioner's daughter Harshitha Baid is a major and her present age is 25. The petitioner has filed this writ petition to forbear the respondents 1 & 2 and its subordinate officials including the fourth respondent from registering the declaration of renunciation of Citizenship or granting no objection certificate/certificate of renunciation of citizenship to Harshitha Baid, his daughter.

6. In view of the above undisputed facts, subsequent to the filing of this writ petition, the question of granting relief in favour of the petitioner as sought for in this writ petition will not arise. Therefore, there is no merit in this writ petition. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

03.08.2022

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Index: Yes/No  
Internet: Yes/No  
Speaking/Non-speaking orders

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To  
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- 1.Union of India,  
Represented by its Secretary to  
Ministry of External Affairs,  
South Block, New Delhi – 110 011.
- 2.The Secretary to  
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North Block, New Delhi – 110 001.
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**ABDUL QUDDHOSE, J.**

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